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REMARKS

In response to the Office action mail-dated 17 February 2004, reconsideration of the application, as amended, is respectfully requested.

This Amendment and a Petition for Extension of Time Under 37 CFR 1.136(a) are being concurrently filed via facsimile transmission in accordance with 37 CFR 1.8. By the accompanying Petition for Extension of Time Under 37 CFR 1.136(a), the Office is respectfully requested to charge any required fees, and credit any overpayment, to Deposit Account 50-0958.

By amendment herein, claims 1, 10, 11, 16-29 and 33 are amended. Claims 1-33 remain in the application.

By the Office action, claims 1-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In consideration of the claim amendments herein, Applicant's respectfully requests withdrawal of the rejections under 35 U.S.C. 101.

Applicant appreciates the Office's guidance regarding 35 U.S.C. 101. It is respectfully urged that, by virtue of the amendments herein, claims 1-33 are directed to statutory subject matter under 35 U.S.C. 101. Independent claim 1 is now directed to a method using a computer network that permits computer access to a server. Independent claim 19 is now directed to a

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method of making use of a central computer and plural workstation computers connected to the central computer. Independent claim 29 is now directed to a computer-networked system that comprises clients and a server. In each of independent claims 1, 19 and 29, computer-related recitation is set forth both in the claim's preamble and the claim's body. The claimed invention is believed by Applicant to fall within the technological arts and to produce a useful, concrete and tangible result (*State Street*).

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns et al. U.S. Pat. 5,189,606 in view of Kennedy U.S. Pat. 5,845,258.

In consideration of the claim amendments herein, Applicant's respectfully requests withdrawal of the rejections under 35 U.S.C. 103(a).

The Burns et al. invention is entitled "Totally Integrated Construction Cost Estimating, Analysis, and Reporting System." The Kennedy invention is entitled "Strategy Driven Planning System and Method of Operation." Both the Burns et al. reference and the Kennedy reference disclose analytical planning tools. Neither Burns et al. nor Kennedy disclose an ongoing process tool such as that which is disclosed by Applicant. Applicant's claimed invention can be embodied, for instance, as an engineering and/or business process tool encompassing the entire life cycle of machinery systems. Applicant teaches an

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integrative, dynamic methodology that treats various phases of an ongoing process.

Burns et al. (col. 21, line 11 to col. 23, line 18) disclose an analytical tool that generates numeric outputs. For instance, a building with a specific function takes a quantifiable number of studs, screws, sheet rock, roof tiles, wood, stone, etc. Further, the costs of these items are calculated out over time to determine life cycle costs (e.g., 30-year roofing tiles will require replacement in 27 to 35 years). The location of the building also comes into consideration. Dollars are broken down into direct labor, overhead, etc. once specific criteria are plugged in. Hence, according to Burns' analytical methodology, information is input and costs are output. The items that are plugged in are quantifiable, based on function, location and size of the facility.

Burns et al. (col. 24, lines 7-40) disclose the use of facility type (e.g., an office building, an R&D center, a laboratory, etc.), location code (wherein geographic location alters price of construction due to material costs and prevailing wages) and project description (which allows for specific details, e.g., requirement for a 500 seat auditorium with hardwood floors, raised seating, specific auto visual requirements, etc.). Burns et al. (col. 24, line 63 to col. 25 line 45) disclose a comparison to stored data that allows for historical costs and figures to be utilized in the model.

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Again, what is consistently disclosed by Burns et al. is an analytical tool including data storage and processing relating to costs.

Kennedy's methodology (col. 1, lines 21-67) is a planning tool to determine an optimal condition. Kennedy (col. 3, lines 20-67) discloses a computer software system and a "manufacturing environment" (col. 3, line 56). Kennedy's system is a planning system that includes a planning engine. Kennedy's planning engine is coupled to a "plan," an "environment" and "problems," and is also coupled to at least one "strategy." Kennedy thus discloses a data storage device that stores data representing a plan, an environment, problems and at least one strategy (col. 3, lines 24-27). Kennedy's planning system (col. 2 lines 47-51) involves "strategies" (strategical components) such as "plan domain," "plan optimality criteria," "search criteria," etc. What is consistently disclosed by Kennedy is an analytical tool including data storage and processing relating to strategies.

The Burns et al. and Kennedy references each teach basically the following computational approach: Input data according to specified criteria; process the data, i.e., perform mathematical and/or logical operations on data according to programmed instructions in order to obtain desired information; output the processed information, which provides an "answer" or result such as pertaining to predicted costs (Burns et al.) or optimal prospective strategies (Kennedy). In contradistinction to Burns et al. and Kennedy, Applicant's claimed invention does

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not involve a computer program product (e.g., specialized software) for performing processing of data in this conventional sense of the word "processing," viz., the computerized performance of logical and/or mathematical operations on information. Applicant's claimed invention involves "processing" only to the extent of the very broadest meaning of the word "processing," insofar as a compilation or manual in a database is maintained accessibly and modifiably by client computers corresponding to individual organizational units.

As distinguished from Burns et al. and Kennedy, Applicant discloses a dynamic, interactive, integrated process, both referential and revisable, that the personnel of the various organizational units follow and adjust on a continual basis in furtherance of accomplishing various tasks. Applicant's invention can be embodied, for instance, as a flexible engineering method and system for describing the life cycle of machinery. Unlike Burns et al. and Kennedy, Applicant's methodology does not provide for the inputting, processing and outputting of fixed items, such as the collection or storage of data for purposes of performing computations and yielding outputs.

Typically, the present invention permits participants to avail themselves of and to guide themselves in accordance with integrated organizational process steps to accomplish an overall mission (e.g., life cycle management of machinery systems). The inventive method and system, generally as claimed, represent a

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computer-based execution tool that is continually referable and modifiable; it is practicable, for instance, for purposes of achieving specific tasks. Applicant's claimed invention does not involve computer programming for processing in the conventional sense of the word "processing," namely, the performance of logical and/or mathematical operations on information. Nor is Applicant's claimed invention hierarchal in the sense that a particular step must be performed before performing another particular step. Rather, Applicant discloses and claims a dynamic interactive process whereby a compilation/manual is contained in a server's database, and wherein the compilation/manual contained in the server's database can be accessed and changed at any time and at any location in the compilation/manual. According to Applicant's claimed invention, the individual workflow processes are fully integrated, particularly via the compilation/manual, in that all of the individual workflow processes are described, and in that each individual workflow process is workflow-linked with one or more other individual workflow processes.

In contrast to Burns et al. and Kennedy, Applicant teaches and claims the following dynamic, communicative, non-computational methodology: Establish organizational units each based on a core function having a workflow characterization associated therewith, each workflow characterization manifesting connection/linking with at least one other workflow characterization; computer-network the organizational units with

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a server (central computer); compile the respective workflow characterizations and store the resultant compilation/manual (comprehensively describing the overall organizational workflow) in the server; make the compilation/manual available, on an ongoing basis, not only for viewing by the organizational units, but also for change-rendering by the organizational units, wherein the change-rendering involves change in connectivity/linkage between at least two workflow characterizations. These features that are disclosed and essentially (albeit variously) claimed by Applicant in Applicant's independent claims 1, 19 and 29 are neither taught nor suggested by Burns et al. and Kennedy, regardless of whether these two references are considered together or separately.

The Office is respectfully referred to the following locations in Applicant's specification as supportive for the claim amendments herein: page 6, lines 17-19 ("These Core Process teams were to define their core area, develop their process flows and identify "links" to other Core areas"); page 8, lines 6-7 ("A key feature of this model is that no one process stands alone, each area is dependent on other areas."); page 8, lines 13-14 ("Although all eleven areas are linked, each of the eleven process descriptions has a distinct flavor and individual key elements."); page 9, lines 14-16 ("If one of the TCPs is not 'linked' to the others or funded properly, then the Life Cycle is weakened. As each of the TCPs and ICPs develop their process flow charts they will identify the "links." It is an essential function of the LCM to manage these links and make sure they happen."); page 11, lines 5-6 ("The inventive OPM better illustrates links between individual process to one another; without these links, the Life Cycle Model is weakened."); page 17, line 18, to page 18, line 3 ("Each core function unit has been provided, and has at its disposal, a hard

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copy of manual 99. Other forms or renderings of manual 99 (e.g., a CD-ROM version, or a computer intranet database) can also be made available to every external core function unit. Communications system 69, which links every external core functional unit to each other, includes telephone means 61, facsimile transmission means 62, computer means 63 and paper correspondence means 64. Computer means 63 preferably includes electronic mail means and can also include computer intranet means."); page 18, line 16 to page 19, line 2 (As is the case with the external core function units, each internal core function unit has been provided, and has at its disposal, a hard copy of manual 99. Other forms or renderings of manual 99 (e.g., a CD-ROM version, or a computer intranet database) can also be made available to every external core function unit. Communications system 69, which links every external core functional unit to each other, includes telephone means 61, facsimile transmission means 62, computer means 63 and paper correspondence means 64. Computer means 63 preferably includes electronic mail ("e-mail") means and can also include computer intranet means."); page 19, line 19 to page 20, line 18 ("The same manual 99 is used by every core function unit and keeps the core function units "on the same page." Manual 99 is not an "etched-in-granite" document. Rather, manual 99 is an ever-changing document representative of a dynamic, ongoing process. Preferably, periodically updated editions of manual 99 will be part and parcel of the inventive business plan. Preferred inventive practice prescribes the institution of a timetable (e.g., every six months) for periodic submissions by core functional units of their corresponding updated sections of manual 99. Ideally, the "management workflow channels" would continually be enhanced, e.g., added to, subtracted from or otherwise changed. Fundamental to the inventive life cycle management system is the continuous pursuit of improvement -- in particular, the constant endeavor to find and secure "connections" between one's own core functional unit and one or more other core functional units. The cohesiveness of the inventive business plan is founded especially on two linchpins, namely, communications and connections. "Communicate" and "connect" are two of the inventive watchwords. As depicted in FIG. 2 through FIG. 4, communications system 69 in various ways advances communication among the core function units, thereby facilitating operation of the inventive business plan, and also thereby advancing the



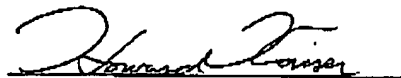
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cohesiveness thereof as its participants continually strive for new or better ways to connect across core function unit demarcations. The changes in terms of "connectiveness" are continually manifested in manual 99, in the procedures therein and especially in the flow diagrams therein."); page 21, line 18 to page 22, line 1 ("If one of the core function units is not "linked" to the others or funded properly, then the inventive life and business cycle is weakened. As each of the external core function units (TCPs) and internal core function units (ICPs) develop their process flow charts, they will identify the "links." It is an essential overall function of the inventive life and business cycle management to manage these links and make sure they happen."). See also, Applicant's Figures 2 through 4.

In view of the foregoing, Applicant respectfully requests allowance of claims 1-33 as amended herein.

If any questions remain, the Examiner should please not hesitate to contact the undersigned at tel. no. (301) 227-1834.

Respectfully submitted,



HOWARD KAISER  
Reg. No. 31,381  
ATTORNEY FOR APPLICANT

06/10/04  
date

Office of Counsel (Patents), Code 39  
Naval Surface Warfare Center, Carderock Division  
9500 MacArthur Boulevard  
West Bethesda, Maryland 20817-5700  
phone (301) 227-1834  
fax (301) 227-1968  
10 June 2004